

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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NORMA DUCHITANGA, individually and as  
next friend for M.M.D., a minor; BLANCA  
ORTIZ, individually and as next friend for  
O.S.O. and E.S.O., minors; DIEGO GARCIA  
AGUILAR, individually and as next friend for  
Y.G.R. and F.G.R., minors; THALIA  
ESCAREGA RUBIO, individually and as next  
friend for F.E.R., a minor; CLEDIA  
HERNANDEZ MEZA, individually and as next  
friend for B.L.M, a minor, on their own behalf  
and on behalf of others similarly situated,

*Plaintiffs/Petitioners,*

v.

SCOTT LLOYD, Director, Office of Refugee  
Resettlement; ELCY VALDEZ, Federal Field  
Specialist, Office of Refugee Resettlement;  
LATISSE BENN, Federal Field Specialist,  
Office of Refugee Resettlement; ALEX AZAR,  
Secretary for the U.S. Department of Health and  
Human Services; DEPT. OF HEALTH AND  
HUMAN SERVICES.

*Defendants/Respondents.*  
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18 Civ. 10332 (PAC)

**ORDER**

HONORABLE PAUL A. CROTTY, United States District Judge:

Plaintiffs in the above-captioned action move this Court to lift the order staying all civil cases in which the United States Attorney's Office for the Southern District of New York has appeared as counsel for the duration of the government shutdown, *see In re: Stay of Certain Civil Cases Pending the Restoration of Department of Justice Funding*, 18-MISC-468 (S.D.N.Y. Dec. 27, 2018), and order the government to proceed in defending this action. The Court agrees with Plaintiffs that the prolonged detention of immigrant children challenged in this case falls within

the exception to the general rule that civil cases be stayed pending the resumption of government appropriations. *See* DOJ FY2019 Contingency Plan During Lapse in Appropriation (directing the government to seek stays of active litigation only to the extent postponement does not “compromise to a significant degree the safety of human life”); 43 U.S. Op. Atty. Gen. 293, 302 (1981) (construing the Anti Deficiency Act to authorize government functioning in advance of appropriations given “some reasonable and articulable connection between the function to be performed and the safety of human life” and a “reasonable likelihood that the safety of human life . . . would be compromised, in some degree, by delay”).

Accordingly, Plaintiffs’ motion to lift the stay as it relates to the above-captioned case is GRANTED.

Dated: New York, New York  
January 16, 2019

SO ORDERED



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PAUL A. CROTTY  
United States District Judge